



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

3210

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,081	07/05/2000	Sherry Anthony Cook	LE9-00-045	5006

21972 7590 04/05/2002

LEXMARK INTERNATIONAL INC
INTELLECTUAL PROPERTY LAW DEPARTMENT
740 WEST NEW CIRCLE ROAD
LEXINGTON, KY 40550

EXAMINER

POON, KING Y

ART UNIT	PAPER NUMBER
----------	--------------

2624

DATE MAILED: 04/05/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/610,081

Applicant(s)
James Alan Ward, et al.

Examiner
Kling Y. Poon

Art Unit
2624



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 23, 2002
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-22 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

Art Unit: 2624

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-9, 11-13, 15-16, 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Levine (U.S. Patent # 4751583).

Regarding claim 1: Levine teaches a stand-alone printing apparatus (22 physically connected to 12, fig. 2, column 2, lines 58-60, column 1, lines 24-30) for transferring one or more digital photographs (column 4, lines 29-40, 45-55) captured by a digital device (camera, column 3, lines 64) to a printable medium, (column 7, line 9) the printing apparatus comprising: an input member (memory 58, column 6, line 61) for receiving the one or more digital photographs from a source; (portable supplemental memory, column 6, lines 1-20); an image processor (processor previewer, 12, column 6, line 10) for generating an image corresponding to each digital photograph; (column 6, lines 35-69, column 3, lines 55-62) an integrated graphical user interface (previewer, column 6, lines 25-30, integrated to the printing apparatus through connector 63, column 6, line 15-20, fig. 3) with a video display (column 6, line 29) for displaying the images (column 6, lines 28-35) and for selecting one or more of the digital photographs

Art Unit: 2624

(column 6, lines 58-65) for a printed page; (the combined images to form a hard copy, column 7, lines 1-10), at least one drive (the connector 51, fig. 3, and the circuitry that is used to retrieve images from a memory, column 6, lines 1-20) for receiving a computer readable medium, (memory 35, column 6, line 4), wherein the source is a computer readable medium disposed in the drive (the portable memory 35 that is plugged in with the connector 51, column 6, lines 1-20); and a print control (printer 22, controlling the producing of a hard copy, column 7, line 5-10) for producing on the printable medium a pattern associated with the printed page.

Regarding claim 2: Levine teaches wherein the image processor formats (see the format of image view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10) the images in response to user instructions (column 6, lines 24-42, column 6, lines 57-68) from the user interface, and the user interface updates the video display to reflect the formatted images.

Regarding claim 3: Levine teaches wherein the user interface further comprises an operator panel (keyboard, fig. 1, fig. 3) having a plurality of activating members for initiating instructions to the user interface, and wherein the video display (13, fig. 1, fig. 3) is located on the operator panel.

Regarding claim 4: Levine teaches wherein the video display is a color liquid-crystal display. (Column 6, line 29)

Regarding claim 6: Levine teaches wherein the user interface further comprises a plurality of different states, (see the state of image view, column 6, lines 25-30, or page view of

Art Unit: 2624

combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10) and wherein the video display varies between the different states (column 6, lines 24-42, column 6, lines 57-68).

Regarding claim 7: Levine teaches wherein the different states comprise an image view in which an image is depicted on said display, and a page view in which a page is depicted on the display. (see the state of image view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10)

Regarding claim 8: Levine teaches wherein the page comprises one or more digital photographs selected during said image view (column 6, lines 25-30)

Regarding claim 9: Levine teaches wherein activation of the print button (the button on the keyboard used to select printing, column 7, lines 1-10) in the image view instructs the print control to produce a pattern on the printable medium corresponding to an image on said video display.

Regarding claim 11: Levine teaches wherein the user interface further comprises a set of options associated with each of said different states, and wherein the options associated with a particular state may be displayed and selected while the particular state is active on the video display. (see the option of selecting the state of image view, column 6, lines 25-30, or the state of page view after combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10)

Art Unit: 2624

Regarding claim 12: Levine teaches graphical user interface (previewer, column 6, lines 25-30) for a stand-alone photoprinter (22 physically connected to 12, fig. 2, column 2, lines 58-60, column 1, lines 24-30) capable of transferring a digital photograph (column 4, lines 29-40, 45-55) from a source (memory, column 6, line 61) to a printable medium, (column 7, line 9) the user interface comprising: a video display (13, fig. 3) integrated (previewer, column 6, lines 25-30, integrated to the printing apparatus through connector 63, column 6, line 15-20, fig. 3) within the photoprinter for graphically depicting an image corresponding to the digital photograph; (column 6, lines 25-69) a plurality of activating members (keyboard/mouse, column 6, lines 30-35) for initiating user instructions to the user interface; and a plurality of different states (see the state of image view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10) in which to depict information on the video display, one of the states being active at a time, the user interface moving between active states in response to activation of one or more of the activating members (column 6, lines 24-42, column 6, lines 57-68).

Regarding claim 13: Levine teaches wherein said different states (see the state of image view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10) comprise an image view in which an image corresponding to a digital photograph is depicted on said video display, and a page view in which a page comprising selected images is depicted on the video display.

Art Unit: 2624

Regarding claim 15: Levine teaches wherein the user interface further comprises formatting options (see the option of formatting of image view, column 6, lines 25-30, or formatting of page view after combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10) for formatting the digital photograph, and wherein the user interface formats the digital photograph in response to user instructions and updates the image on the video display with a formatted image (Column 6, lines 24-40, column 6, lines 57-69, column 7, lines 1-10).

Regarding claim 16: Levine teaches wherein the page view comprises digital photographs selected in the image view (column 6, lines 58-69)

Regarding claim 18: Levine teaches a method for previewing (column 6, line 10) and printing (column 7, line 9) digital photographs (column 4, lines 29-40, 45-55) on a stand-alone photoprinter (22 physically connected to 12, fig. 1, column 2, lines 58-60, column 1, lines 24-30) comprising the steps of: receiving the digital photographs from a digital photograph source, (portable supplemental memory 35, column 6, lines 1-20) wherein the digital photograph source is a computer readable medium disposed in a drive (the connector 51, fig. 3, and the circuitry that are used to retrieved images from a memory, column 6, lines 1-20, and the portable memory 35 that is plug in with the connector 51, column 6, lines 1-20) integrated with the photoprinter (22 physically connected to 12, fig. 1, column 2, lines 58-60, column 1, lines 24-30); generating an image for each of said digital photographs (column 6, lines 24-35) in an image processor; (column 6, lines 10-11); providing a user interface (36, 13, 14, fig. 3) having a video display (13,

Art Unit: 2624

fig. 3) integrated (previewer, column 6, lines 25-30, integrated to the printing apparatus through connector 63, column 6, line 15-20, fig. 3) within the photoprinter; activating an image view in the user interface to display the images on the video display; (column 6, lines 24-40) selecting from amongst the displayed images to form a printed page; (column 6, lines 58-69, column 7, lines 1-10) activating a page view (column 6, lines 65-69) in the user interface to preview the printed page on the video display; and instructing a print control (printer 22, controlling the producing of a hard copy, column 7, line 5-10) in the photoprinter to produce a pattern associated with the printed page on a print medium.

Regarding claim 19: Levine teaches the steps of formatting an image in response to user instructions to the user interface, and updating the display in image view to depict the formatted image (see the format of image view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10).

Regarding claim 20: Levine teaches the steps of formatting a printed page in response to user instructions to the user interface, and updating the preview of the printed page in the page view to depict the formatted printed page (see the format of image view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10).

Regarding claim 21: Levine teaches the steps of moving between the image view and the page view using one or more activating members of the user interface (see the format of image

Art Unit: 2624

view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, by a user, column 6, lines 58-69, column 7, lines 1-10)

Regarding claim 22: Levine teaches a step of instructing the print control (printer 22, controlling the producing of a hard copy, column 7, line 5-10) to produce a pattern associate with an image displayed in the image view (column 6, 53-58) in response to activation of an activating member on the user interface. (Keyboard, column 6, lines 20-41)

3. Claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine as applied to claims 7, and 13 above, and further in view of McCann et al. (U.S. Patent # 5963939).

Regarding claims 10, and 14: Levine does not teach wherein the different states further comprise a device view in which a graphical representation of said photoprinter and any attached devices is depicted on the video display.

McCann et al., in the same area of displaying images, teaches a display would be used in a state of viewing devices in which a graphical representation (fig. 50) of a printer (722, fig. 50) and any attached devices (718, fig. 50) are depicted on the video display. (Fig. 50)

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Levine to include in the different state of display: a device view in which a graphical representation of said photoprinter and any attached devices is depicted on the video display.

Art Unit: 2624

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Levine by the teaching of McCann et al. because of the following reasons: (a) it would have provided a tool for selecting appropriate solution of equipment and product for a user while using the printer system, as taught by McCann et al, at column 3, lines 1-5 (b) it would have allowed a user to quickly identify what devices are available for the user to use in the system, and (c) it would have allowed users to have an overview of the system and would have provided useful system information to assist a user in selecting system options available to the user.

4. Claims 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Levine as applied to claim 16 and above, and further in view of Matsumoto et al. (U.S. Patent # 5796428)

Regarding claim 17: Levine teaches wherein the active state (the state that the display is displaying) varies between the image view and the page view by activating one of the activating members (see the format of image view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10 are activated by users using a keyboard (activating member)).

Levine does not teach wherein the image view and the page view are shown simultaneously on the video display.

Matsumoto et al., in the same area of selecting photographic images stored in a memory to be displayed, (abstract, column 10, lines 50-60) teaches to display image view (2501, fig. 25)

Art Unit: 2624

and the page view (page 1, fig. 25) simultaneously on a video display. (Fig. 25, column 12, lines 50-54)

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Levine to include: displaying the image view and the page view simultaneously on the video display.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Levine by the teaching of Matsumoto et al. because of the following reasons: (a) it would have allowed the user to view both the images and the combined image together and would have allowed the user to compare the page view and the image view better by displaying both the page view and image view simultaneously, and (b) it would help a user to easily re-arranging and keeping pictures, as taught by Matsumoto et al., at column 1, lines 40-62

Response to Arguments

5. Applicant's arguments filed 1/23/2002 have been fully considered but they are not persuasive.

With respect to applicants argument that Levine does not teach a stand alone printer, has been considered.

Art Unit: 2624

In reply: Levine, column 6, teaches that a printer (the system that can print) consists of a printing device (22, fig. 1) and a processor (12, fig. 1) would print hard copy of images.

Therefore, the printer of Levine is a stand alone printer.

With respect to applicants argument that Levine does not teach a printer capable of processing and printing digital file independent of an external host, has been considered.

In reply: Levine, column 6, teaches that a printer (the system that can print) consists of a printing device (22, fig. 1) and a processor (12, fig. 1) would print hard copy of images (digital file) stored in a memory without the help from an external host. (There is no connection of the printer to an external host such that the printer would print the images according to column 6, Levine)

With respect to applicant's argument that Levine does not teach a drive for receiving a computer receiving medium, has been considered.

In reply: Levine at column 6, lines 1-20 teaches to use a plug in connector 51 for receiving memory 35 such that image frames stored in the memory would be readily selected and retrieved by the processor 12 of the printer.

With respect to applicant's argument that Levine and Matsumoto do not teach simultaneously display image view and page view, and wherein the active state varies between the image view and the page view by activating one of the activating member, has been considered.

Art Unit: 2624

In reply: Levine teaches wherein the active state (the state that the display is displaying) varies between the image view and the page view by activating one of the activating members (see the format of image view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10 are activated by users using a keyboard (activating member)).

Levine does not teach wherein the image view and the page view are shown simultaneously on the video display.

Matsumoto et al., in the same area of selecting photographic images stored in a memory to be displayed, (abstract, column 10, lines 50-60) teaches to display image view (2501, fig. 25) and the page view (page 1, fig. 25) simultaneously on a video display. (Fig. 25, column 12, lines 50-54)

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Levine to include: displaying the image view and the page view simultaneously on the video display.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Levine by the teaching of Matsumoto et al. because of the following reasons: (a) it would have allowed the user to view both the images and the combined image together and would have allowed the user to compare the page view and the image view better by displaying both the page view and image view simultaneously, and (b) it would help a

Art Unit: 2624

user to easily re-arranging and keeping pictures, as taught by Matsumoto et al., at column 1, lines 40-62

6. ACTION IS FINAL

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

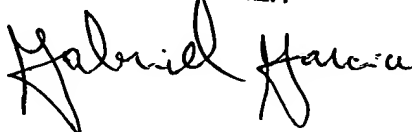
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTHS shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is (703) 305-0892

March 27, 2002

GABRIEL GARCIA
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Gabriel Garcia', is written over the printed name and title.